

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES FOR THE MASON TENDERS
DISTRICT COUNCIL WELFARE FUND, et al.,

Petitioners,

-against-

USA ROOFING CO. CORP.,

Respondent.

22-cv-9953 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On November 28, 2022, Petitioners filed a petition to confirm an arbitration award. Dkt. 6. On August 31, 2023, the Court set a briefing schedule for Petitioners' submission of any additional materials in support of the petition, Respondent's opposition, and Petitioners' reply. Dkt. 14. Petitioners served Respondent with the petition (Dkt. 9), supporting materials (Dkt. 18), and the briefing schedule (Dkt. 22). Pursuant to the briefing schedule, Respondent's opposition was due no later than October 6. Dkt. 14. To date, Respondent has not responded to the petition, appeared in this case, or otherwise sought relief from the arbitration award.

The Court must treat the Petition, even though unopposed, "as akin to a motion for summary judgment based on the movant's submissions." *Trs. for Mason Tenders Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Constr. Corp.*, 2013 WL 1703578, at *2 (S.D.N.Y. Apr. 19, 2013) (discussing in depth the legal standards for resolving unopposed petitions to confirm arbitration awards). After reviewing the petition and the supporting materials, the Court finds that there is no genuine issue of material fact precluding summary judgment as to all portions of the award, as the arbitrator's decision provides more than "a barely colorable justification for the outcome reached." *Id.* at *3 (internal quotation marks omitted). Indeed, the arbitration decision reflects that Respondent consented to the issuance of the award. Dkt 15-1 at 1–2. And there is no justification under Section 10(a) of the Federal Arbitration Act for vacating the award.

Accordingly, the Court grants Petitioners' unopposed petition to confirm the entire award. Petitioners are directed to file their Proposed Judgment electronically, using the ECF Filing Event "Proposed Judgment," by no later than **November 9, 2023**.

SO ORDERED.

Dated: October 26, 2023
New York, New York



ARUN SUBRAMANIAN
United States District Judge